

**TOWN OF EAST LONGMEADOW**  
**ANNUAL TOWN MEETING**  
**May 20, 2013**

In accordance with the Warrant of the Selectmen, the Annual Town Meeting was held in the Auditorium of the East Longmeadow High School on Monday evening, May 20, 2013, thus the seventh Town Meeting held on the third Monday of May following the by-law change from the Annual Town Meeting of 2006. Town Moderator, Mr. James Sheils, called the meeting to order at 7:04PM; there being 255 registered voters present. Mr. Sheils stated that this is the 119<sup>th</sup> Annual Town Meeting for the Town of East Longmeadow. Mr. Sheils offered the opening prayer and led the assembly in the Pledge of Allegiance. He then congratulated the various elected town officials who were recently elected at the April 9<sup>th</sup> Annual Town Election as well as Selectman Peter Punderson and Selectman Debra Boronski who were elected at the Special Local Election held on December 18, 2012.

Mr. Paul Federici, the Chairman of the Board of Selectman, requested the Assembly to recognize those Town employees who had retired and celebrated anniversaries in FY 2013. Mr. Federici also recognized the various department heads and their staff for their hard work and dedication throughout the past year.

Mr. Carl Ohlin, Chairman of the East Longmeadow Independence Day Parade Committee, presented a plaque to Mr. James Davis in honor of Mr. Davis being named Honorary Grand Marshall of the 2013 East Longmeadow Independence Day Parade. Mr. Ohlin read a list of the past 16 winners of this prestigious Town Award. A life-long resident since 1937, Mr. Davis was honored for his many past and present contributions to the Town of East Longmeadow, especially his diligent work, dedication and involvement as a member and contributor to the East Longmeadow Jaycees, the 1<sup>st</sup> Congo Church, the East Longmeadow Lions Club where he has been honored as Lion of the year, the East Longmeadow Historical Commission (current Treasurer) and his dedication as an election worker.

The Town Moderator then proceeded with some housekeeping issues: Location of fire exits, red tags for non-voters and white tags for registered voters, warrant articles that can be moved within the warrant if approved by a 2/3<sup>rd</sup>'s majority vote, silencing of cell phones, the securing of the doors by the Sergeant at arms in case of a teller count and the proper etiquette required of speakers. Mr. Sheils gave recognition to the Town's election workers for their hard work and dedication and he also recognized those who help set-up and make the Town meeting operate very smoothly each year.

The Town Moderator is now allowed to determine, without a count, based on the by-law change adopted in May 2006, whether a 2/3<sup>rd</sup>'s quorum Town vote has been obtained, subject to the right of challenge by seven (7) voters as authorized the Town By-Law, Section 2.030 Chapter 13. If seven (7) or more voters challenge the vote, a teller count shall be required.

## Article 1

### Reports of Officers and Committees

The Moderator reported that reports of Town Officers and Committees are available for distribution at the Town Meeting and also online at the Town's website: [www.eastlongmeadowma.gov](http://www.eastlongmeadowma.gov), and that copies are available at the Town Clerk's Office.

## Article 2

### Report of the Appropriations Committee – Operating Budget

Motioned that the Town appropriate the grand total fiscal year 2014 budget of \$55,247,599.00 and in order to fund that appropriation the Town raise and appropriate the Amount of \$53,655,343.00; transfer \$50,000.00 from the Kindergarten Revolving Fund, account number 2606-3590; transfer \$50,000.00 from the Solid Waste Disposal Revolving Fund, account number 2805-3590; transfer \$42,165.00 from the Animal Control Fund, account number 2801-3590; transfer \$636,867.00 from the Water Fund, account number 12-3590; transfer \$605,384.00 from the Sewer Fund, account number 13-3590; transfer \$57,840.00 from the Community Preservation Fund Open Space account number 2615; transfer \$150,000 from free cash, account number 01-3590 and any other available balances as required to balance the budget.

All for the purpose and charges in anticipation of revenue for the twelve month period beginning July 1, 2013 to support the Town's operating budgets as set forth in Exhibit A printed with the warrant and entitled "Fiscal Year 2014 – Operating Budgets"

Appropriations Committee Recommendation: Recommended

Five line items were questioned, (Education, Health Insurance, Retirement, Inspectors & Town Accountant) and thereafter approved.

Passed Unanimously as Declared by Town Moderator.

## Article 3

### Report of the Capital Planning Committee – F.Y. 2014 Capital Projects

Motioned that the Town make the following transfers to fund new FY14 capital projects:

A \$1,036,671 transfer from Free Cash, account number 01-3590 and a total of \$204,566 from balances of various closed capital projects, as illustrated in Exhibit C of the printed warrant.

A \$76,960 transfer from the Water Fund unreserved fund balance, account number 12-3590 and a total of \$98,700 from a closed capital project balance as illustrated in Exhibit C of the printed warrant.

A \$111,413 transfer from the Sewer Fund unreserved fund balance, account number 13-3590,

and,

A \$135,000 transfer from the Local Cable Access Revolving Funds unreserved fund balance, account number 2804-3590, as illustrated in Exhibit C of the printed warrant.

\$55,800.00 to finance SCBA Air Bottle Compressor	\$55,800.00 from Free Cash Account #01-3590
\$46,836.00 to finance a Command Vehicle	\$46,836.00 from Free Cash Account #01-3590
\$400,000.00 to finance Meadow Brook School Electrical Upgrades	\$278,459.00 From Free Cash Account #01-3590 And, Fund #3014 balance of \$681.70 Fund #3197 balance of \$83,291.71 Fund #3201 balance of \$117.58 Fund #3202 balance of \$489.54 Fund #3203 balance of \$1,800.00 Fund #3204 balance of \$15,289.00 Fund #3215 balance of \$18,664.55 Fund #3219 balance of \$614.51 and Fund #3163 balance of \$592.41
\$126,000.00 to finance Elm/Mapleshade Traffic Lights	\$60,064.00 From Free Cash Account #01-3590 And, Fund #3199 balance of \$60,542.25 Fund #3213 balance of \$4,336.60 Fund #3229 balance of \$950.95 Fund #3027 balance of \$39.24 Fund #3163 balance of \$.29 and Fund #3059 balance of \$66.67
\$70,000.00 to finance Police Vehicles	\$70,000.00 from Free Cash Account #01-3590
\$69,520.00 to finance Camera Upgrades	\$69,520.00 from Free Cash Account #01-3590
\$33,333.00 to finance Meadow Brook School Asphalt Playground	\$16,244.00 from Free Cash Account #01-3590 And, Fund #3163 balance of \$17,089.00
\$75,000.00 to finance DPW sidewalk fund	\$75,000.00 from Free Cash Account #01-3590
\$24,250.00 to finance Birchland Park Middle School Chiller System	\$24,250.00 from Free Cash Account #01-3590
\$35,000.00 to finance IT Storage Area Network	\$35,000.00 from Free Cash Account #01-3590
\$148,000.00 to finance Dump Truck #5 Ford F750 (2000)	\$148,000.00 from Free Cash Account #01-3590
\$50,400.00 to finance IT Munis CSS & ESS	\$50,400.00 from Free Cash Account #01-3590
\$48,132.00 to finance Laptop Cart & Mimio Views	\$48,132.00 from Free Cash Account #01-3590
\$58,966.00 to finance F550 Dump Truck (replace van)	\$58,966.00 from Free Cash Account #01-3590

Above total of Recommended Projects.....\$1,663,310.00

Capital Planning Committee Recommendation: Recommended

Appropriations Committee Recommendation: Recommended

Two items (Elm/Mapleshade Traffic Lights & F550 Dump Truck) were questioned and thereafter approved.

Passed Unanimously as Declared by Town Moderator.

## **Article 4**

### **Board of Selectmen – Inter Department Transfers**

Motioned that the Town approve interdepartmental transfer from the FY13 operating budget as follows:

Transfer from Trash Collection, account number 01-430 to Health Insurance, account number 01-914, the amount of \$40,000;

Transfer from Liability Insurance, account number 01-945 in the amount of \$15,000 to Worker's Compensation Insurance, account number 01-912, the amount of \$15,000;

And

Transfer from the Health Department, account number 01-519 in the amount of \$15,000 to Worker's Compensation Insurance, account number 01-912, the amount of \$15,000.

Appropriations Committee Recommendation: Recommended  
Passed Unanimously as Declared by Town Moderator.

## **Article 5**

### **Board of Selectmen – Appropriate Funds for Prior Years Bills**

No Motion Made  
No Action Taken

## **Article 6**

### **Department of Public Works – Chapter 90 Highway Construction**

Motioned that the Town appropriate, \$587,018.00 for the construction, reconstruction and/or maintenance of public ways, to be expended under the jurisdiction of the Board of Public Works and said sum to be reimbursed by the Commonwealth, and expended under the jurisdiction of the Board of Public Works.

Appropriations Committee Recommendation: Recommended  
Passed Unanimously as Declared by Town Moderator.

## **Article 7**

### **Board of Selectmen – Revolving Fund – Local Cable Access**

Motioned that the Town re-establish a "Local Cable Access Revolving Fund" for Fiscal Year 2014, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the local cable access program activities, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$132,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended  
Passed Unanimously as Declared by Town Moderator.

A voter made a motion for a point of order to move Articles 17 & 18 forward to be voted next. Town's By-Laws allow for articles to be taken out of order upon a two-thirds vote.

A 2/3<sup>rd</sup>s Vote is required for this motion to pass.

Teller count: Yes – 130-65%, Opposed – 70-35% (66.6% needed)

Motion Fails, as declared by Town Moderator.

## Article 8

### **Board of Selectmen – Revolving Fund – Center School Park**

Motioned that the Town re-establish a “Center School Park Revolving Fund” for Fiscal Year 2014, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the Center Hill School Hill Park development activities, as administered by the East Longmeadow Cultural Affairs Council, without further appropriation, said funds to be expended in an amount not to exceed \$2,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended

Passed by Unanimously as Declared by Town Moderator.

## Article 9

### **Board of Selectmen – Revolving Fund – Solid Waste Disposal**

Motioned that the Town re-establish a “Solid Waste Disposal Revolving Fund” for Fiscal Year 2014, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund the solid waste disposal program, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$50,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended

Passed Unanimously as Declared by Town Moderator.

## **Article 10**

### **Board of Selectmen – Revolving Fund – Council on Aging**

Motioned that the Town re-establish a “Council on Aging Revolving Fund” for Fiscal Year 2014, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources in order to fund general programming activities of the Council on Aging, as administered by the committee established for such purpose, without further appropriation, said funds to be expended in an amount not to exceed \$100,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended  
Passed Unanimously as Declared by Town Moderator.

## **Article 11**

### **Board of Selectmen – Revolving Fund – Public Library**

Motioned that the Town re-establish a “East Longmeadow Public Library Revolving Fund” for Fiscal Year 2014, which fund shall be separate from the General Fund, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, for the purpose of receiving and expending monies from public and private sources paid by borrowers for library overdue fines, as administered by the East Longmeadow Board of Library Trustees, without further appropriation, said funds to be expended in an amount not to exceed \$15,000.00 during the fiscal year, as approved by the Board of Selectmen.

Appropriations Committee Recommendation: Recommended  
Passed Unanimously as Declared by Town Moderator.

## **Article 12**

### **Board of Selectmen – Fund July 4, 2013 Independence Day Parade**

Motioned that the Town transfer from free cash, account number 01-3590 the amount of \$17,500.00 to be expended for the July 4<sup>th</sup> 2014 Independence Day Parade, under the Cultural budget for a warrant article account number to be determined..

Appropriations Committee Recommendation: Recommended  
Passed Unanimously as Declared by Town Moderator.

### **Article 13**

#### **Board of Assessors – Replacement Valuation Software**

Motioned that the Town transfer from free cash, account number 01-3590 the amount of \$35,000.00 for the purpose of purchasing, installing and training expenses for replacement valuation software, to be expended under the jurisdiction of the Board of Assessors; under the Assessor's budget for a warrant article account number to be determined.

Appropriations Committee Recommendation: Recommended  
Capital Planning Committee Recommendation: Recommended  
Passed by Majority as Declared by Town Moderator.

### **Article 14**

#### **Board of Selectmen – Purchase of weapons**

Motioned that the Town transfer from free cash, account number 01-3590 the amount of \$2,500.00 to purchase weapons by the Police Department; under the Police Department budget for a warrant article account number to be determined.

Appropriations Committee Recommendation: Recommended  
Passed by Majority as Declared by Town Moderator.

### **Article 15**

#### **Board of Selectmen – Water & Sewer Enterprise Funds**

No Motion Made  
No Action Taken

### **Article 16**

#### **Community Preservation Committee – Fund Allocation**

Motioned that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund for Fiscal Year 2014 from revenues estimated of \$230,000.00 allocated at follows:

5% allocated to the Administrative Expenses

10% allocated to the Historic Resource Reserve

10% allocated to the Community Housing Reserve

10% allocated to the Open Space Reserve

And

65% allocated to the Undesignated General Reserve

Appropriations Committee Recommendation: Recommended  
Board of Selectmen Recommendation: Recommended  
Passed Unanimously as Declared by Town Moderator.

## **Article 17**

### **Community Preservation Committee – Install Generators**

Motioned that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund Community Housing Reserve the amount of \$160,000.00 for the purpose of purchasing and installing generators, including all associated electrical work, at the Inward Commons Village Green and Quarry Hill Community Buildings.

Board of Selectmen Recommendation: Recommended

Appropriations Committee Recommendation: Recommended

Capital Planning Committee Recommendation: Recommended

Passed by Majority as Declared by Town Moderator.

## **Article 18**

### **Community Preservation Committee – Install Generator**

Motion that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund Community Housing Reserve the amount of \$60,000.00 for the purpose of purchasing and installing a generator, including all associated electrical work, at the Brownstone Gardens Community Building.

Board of Selectmen Recommendation: Recommended

Appropriations Committee Recommendation: Recommended

Capital Planning Committee Recommendation: Recommended

Passed by Majority as Declared by Town Moderator.

## **Article 19**

### **Community Preservation Committee – National Register Application**

Motion that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund Community Historical Reserve the amount of \$5,000.00 for the purpose of preparing an application for listing the Norcross House on the National Register of Historic Places..

Board of Selectmen Recommendation: Recommended

Appropriations Committee Recommendation: Recommended

Passed by Majority as Declared by Town Moderator.



## **Article 20**

### **Community Preservation Committee – Convert Historical Documents**

Motion that the Town accept the recommendations of the Community Preservation Committee and appropriate from the Community Preservation Fund Community Historic Reserve the amount of \$25,000.00 for the purpose of converting to digital format the town's historical documentation.

Board of Selectmen Recommendation: Recommended

Appropriations Committee Recommendation: Recommended

Capital Planning Committee Recommendation: Recommended

Passed by Majority as Declared by Town Moderator.

## **Article 21**

### **Board of Selectmen – Auburn Street Property Sale**

Motioned that the Town authorize the Board of Selectmen to convey a parcel of vacant land containing about 4,835 square feet on Auburn Street, as shown as Lot No. 9 on a plan of lots at Pleasant View Heights dated July, 1914 and recorded in the Hampden County Registry of Deeds in Book of Plans 4, Page 61 for the sum of \$26,600.

A 2/3<sup>rd</sup>s Vote is required for this motion to pass.

Appropriations Committee Recommendation: Recommended

Passed Unanimously as Declared by Town Moderator.

## **Article 22**

### **Board of Selectmen – Water Tower Cell Lease**

Motioned that the Town authorize the Board of Selectmen to enter into leases of town owned property with telecommunications companies for terms in excess of five years to provide communications services.

Passed Unanimously as Declared by Town Moderator.

## Article 23

### Board of Selectmen – Easement for National Grid

Motioned that the Town authorize the Board of Selectmen to grant an easement to National Grid over land under the control of the Board of Public Works on Somers Road, bounded and described as follows:

The certain parcel of land containing approximately 8,752 square feet of land or 0.201 acres, more particularly bounded and described as follows:

BEGINNING at a point of land North 45°58'50" East a distance of two hundred twenty one and eighty six one hundredths (221.86) feet from the northerly sideline of Somers Road; and

THENCE North 13°20'50" East a distance of two hundred eighteen and fifty seven one hundredths (218.57) feet along land now or formerly of Massachusetts Electric Company; and

THENCE North 8°19'26" East a distance of one hundred sixteen and fifty two one hundredths (116.52) feet along land now or formerly of the Town of East Longmeadow; and

THENCE North 82°27'29" West a distance of thirty one and nineteen one hundredths (31.19) feet along land now or formerly of Massachusetts Electric Company; and

THENCE South 8°19'26" West a distance of one hundred fifty three and sixty six one hundredths (153.66) feet along land now or formerly of the Town of East Longmeadow; and

THENCE South 10°59'38" West a distance of one hundred ninety eight and thirty two one hundredths (198.32) feet along land now or formerly of the Town of East Longmeadow; and

THENCE North 45°58'50" East a distance of thirty two and ninety one hundredths (32.90) feet along land now or formerly of Massachusetts Electric Company to the point of beginning

A 2/3<sup>rd</sup>'s Vote is required for this motion to pass.

Board of Public Works Recommendation: Recommended

Passed Unanimously as Declared by Town Moderator.

## Article 24

### **Board of Selectmen – Establish a Personnel Policy Committee**

Motioned that the Town amend the General By-Laws of the Town of East Longmeadow to establish a Personnel Policy Committee responsible for the development, implement and administration of procedures and policies regarding a Compensation and Classification Plan, Uniform Benefits and Performance Standards and Policies for all non union employees of the Town, except employees of the School Department as follows:

- I. TITLE: Personnel Policy Committee
- II. MEMBERSHIP: There shall be nine voting members and one ex-officio non-voting members as follows:
  - A. One member elected annually in July with his term ending the following June 30<sup>th</sup>, by its membership, by each of the following Boards of Authority:
    - 1. Selectmen
    - 2. Public Works
    - 3. Planning
    - 4. Assessors
    - 5. Library Trustees
    - 6. Recreation Commission
    - 7. Council on Aging
  - B. Two At-Large members appointed by the Moderator in July for initial terms of 2 and 3 years respectively and thereafter each appointment shall be a 3 year term ending June 30<sup>th</sup>.

In making said appointments the Moderator shall appoint registered voters of the Town and shall give preference to voters who are knowledgeable and experienced in the areas of personnel administration and business operation and will represent the interests of both the employees and taxpayers in carrying out the duties and responsibilities of the Committee. Provided, however; neither shall be an employee of the Town or an elected or appointed official during his term.
  - C. The Appropriations Committee shall elect annually one of its members as an ex officio non-voting member of the committee in July with his term ending the following June 30<sup>th</sup>.
- III. DUTIES: The Committee shall develop, adopt and implement the following:
  - A. A standardized evaluation process to be used by the Committee, all Board of Authorities and Department Heads in reviewing performance of all non-union employees to the extent reasonably possible.
  - B. Goals and objectives to be used to allow the employees, the Committee, the Boards of Authority and Department Heads to measure how an

employee's performing in relation to the expectation set for the employee/position.

- C. A Compensation and Classification Plan grouping employees with similar duties and responsibilities in appropriate designations and compensation ranges. Establishment and Amendment of any Compensation Plan and Classification Plan recommended by the Committee shall require approval by a majority vote of Town Meeting. No current employee shall be reduced in his current compensation or benefits as a result of the adoption of said plans.
- D. Establish, in conjunction with the Compensation and Classification Plan, a uniform benefits schedule including, but not limited to, vacations, sick leave and holidays.
- E. Review all requests for increases in compensation, benefits changes in an employee's job classifications and report its position, in favor or opposed, to the Board of Authority making the request, the Appropriation Committee and if applicable, Town Meeting.
- F. Adopt rules and regulations it determines will be necessary or useful in administering the operations and duties of the committee.
- G. The actions and votes of a committee member shall not require, nor be subject to, approval of his Board of Authority.

A 2/3<sup>rd</sup>'s Vote is required for this Article to pass.  
Motion Fails as Declared by Town Moderator.

## **Article 25**

### **Planning Board - Amend Zoning By-Law, 1991 Revision, Medical Marijuana**

Motioned that the Town amend the East Longmeadow Zoning By-Laws, 1991 Revision, pursuant to M.G.L. Chapter 40A by adding a new Section VI – Temporary Moratorium on Medical Marijuana Treatment Centers and by amending the Table of Contents to add said section, as follows:

#### **Section 6.0 Purpose**

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as

to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

#### Section 6.1 Definition

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

#### Section 6.2 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Planning Board Recommendation: Recommended

A 2/3<sup>rd</sup>s Vote is required for this Article to pass.

Passed Majority by 2/3<sup>rd</sup>s vote as Declared by Town Moderator.

## Article 26

### **Planning Board – Amend Zoning By-Law, 1991 Revision, Remove Section 4.2 Floodplain**

Motioned that the Town amend the East Longmeadow Zoning By-Law, 1991 Revision, pursuant to M.G.L. Chapter 40A by amending Section IV – Floodplain Overlay District Regulations as follows:

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of East Longmeadow designated as Zone A or AE on Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the Town of East Longmeadow are panel numbers 25013C0408E, 25013C0409E, 25013C0416E, 25013C0417E, 25013C0430E and 25013C0440E dated July 16, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated July 16, 2013. Between May 20, 2013 and July 16, 2013, the September 15, 1978 maps are to be used, after that date, the July 16, 2013

version shall apply. The FIRM and FIS report are incorporated herein by reference and are on file with the Building Inspector.

To amend Section 4.3 Base Flood Elevation and Floodway Data by removing “A1-30”

To amend Section 4.4 Development Regulations by removing in Section 4.42 (d) “Massachusetts Office of Water Resources” and replacing with “Massachusetts Department of Conservation and Recreation”.

To amend Section 4.42 (e) by removing the contact information and replacing it with the following:

- NFIP State Coordinator  
Massachusetts Department of Conservation & Recreation  
251 Causeway Street Suite 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

To amend Section 4.5 Reference to Existing Regulations by removing in their entirety sections d & e and replacing with the following:

- a. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard area;
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

A 2/3<sup>rd</sup>'s Vote is required for this Article to pass.

Passed Unanimously as Declared by Town Moderator.

## **Article 27**

### **Planning Board – Amend Zoning By-Law, 1991 Revision, Sec. VIII - Definitions**

Motioned that the Town amend the East Longmeadow Zoning By-Law, 1991 Revision, pursuant to M.G.L. Chapter 40A by amending Section VIII Definitions in the following manner:

**AREA and/or FACILITY FOR SPORTING ACTIVITY:** An area that is designed to offer athletic type events to be viewed by a significant number of spectators, with said spectators either seated or standing, including but not limited to professional/commercial sports stadium and/or arena, a professional/commercial ice hockey rink and/or ballpark or

a hippodrome. Town sports are addressed under school, park and recreation and do not apply to this section.

SETBACK: a) Minimum required setback: The minimum required unoccupied space or area between the front lot line and the part of the building nearest such lot line, such unoccupied space or area extending the entire width or distance across the lot.

b) Building setback: The unoccupied space or area between the lot line and the part of the building nearest such lot line, such unoccupied space or area extending the entire width or distance across the lot.

WALL: An upright structure comprised of but not limited to stone, masonry or concrete material serving to enclose, divide or protect an area.

A 2/3<sup>rd</sup>'s Vote is required for this Article to pass.

Passed Majority by 2/3<sup>rd</sup>'s vote as Declared by Town Moderator.

## Article 28

### Planning Board – Amend Zoning By-Law, 1991 Revision, Sec. 3.30 – General Provisions

Motioned that the Town amend the East Longmeadow Zoning By-Law, 1991 Revision, pursuant to M.G.L. Chapter 40A by amending Section 3.3 Additional Use, Dimensional and Density Regulations by removing Section 3.302 Fences or Walls in its entirety and replacing with language and Diagrams as follows:

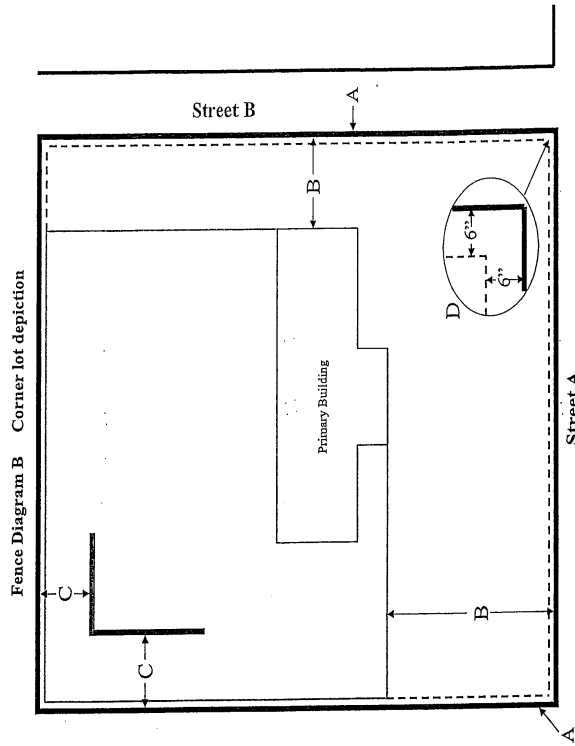
#### 3.30 General Provisions

##### **3.302 Fences or Walls**

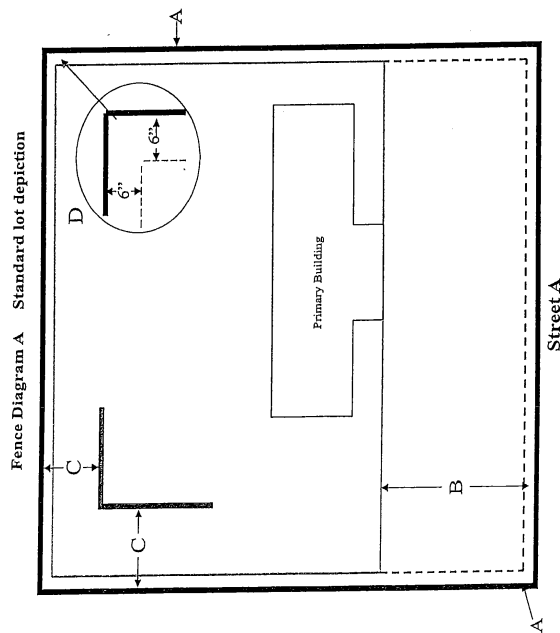
- a) All boundary fences and/or walls shall require a building permit from the Building Commissioner
- b) No fence more than one-quarter solid or wall greater than 4 feet in height shall be erected closer to the front lot line than the setback of the primary building. The setback is the unoccupied space between the lot line and the building with said unoccupied space extending the entire distance across the lot. In the event of a corner lot, the front yard setback shall apply from all property lines forming boundaries of a lot. See fence diagram A and B.
- c) All other fences must be at least 6 inches from any property line.
- d) Walls in Residential Districts, except retaining walls, shall be erected not less than 3 feet from any lot line.
- e) Fence requirements, swimming pools, shall conform to the setback, side yard, and rear yard requirements for a principal building for the district in which the pool is constructed. (Section 3.314 Setback). Additional criteria, pool fencing, see Section 5.95 Safety Devices.
- f) Fences in Industrial Garden Park, see Section 5.07. Fence screening outside storage, Industrial Garden Park, see Section 5.04.

A 2/3<sup>rd</sup>'s Vote is required for this Article to pass.

Passed Majority by 2/3<sup>rd</sup>'s vote as Declared by Town Moderator.



- A. Lot Line  
 B. Primary building set back,  
 • No Fence more than one-quarter solid or wall greater than four feet in height, except retaining walls, shall be erected closer to the lot line than the setback of the primary building.  
 C. All walls, except retaining walls, must be a minimum of 3' from lot line  
 D. All Fences must be a minimum of 6" from lot line



- A. Lot Line  
 B. Primary building set back,  
 • No Fence more than one-quarter solid or wall greater than four feet in height, except retaining walls, shall be erected closer to the lot line than the setback of the primary building.  
 C. All walls, except retaining walls, must be a minimum of 3' from lot line  
 D. All Fences must be a minimum of 6" from lot line



## Article 29

### **Planning Board – Amend Zoning By-Law, 1991 Revision, Sec. 3.333 – General Provisions**

Motioned that the Town amend the East Longmeadow Zoning By-Law, 1991 Revision, pursuant to M.G.L. Chapter 40A by amending Section 3.333 by deleting the existing language in its entirety and replacing with the language as follows:

#### **3.333 LIMITATION ON SIZE OF BUILDINGS IN BUSINESS DISTRICTS**

(1) The floor area of any building used for retail sales purposes within a Business District shall not exceed sixty-five thousand (65,000) square feet.

- (a) The floor area is to be calculated using all areas accessible to the general public (i.e. mezzanines and basements), the first floor and all stories above the first floor, and the area of all portions of the site outside the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.
- (b) All floor areas within one thousand five hundred (1,500) feet of one another shall be aggregated in determining the maximum of sixty-five thousand (65,000) square feet only if:
  - i. The buildings are being used for the sale of goods, wares merchandise or services for retail or storing inventory for sale, and
  - ii. The floor areas combined are normally operated as a single retail building or retail outlet for sales purposes, and
  - iii. The floor space is operated or controlled by a common owner.

For purposes of this section, “common owner” shall mean any legal entity where an owner, member of the Board of Directors, partner, officer, member of a limited liability company, or other legal entity has ownership or management rights in each retail business.

A 2/3<sup>rd</sup>s Vote is required for this Article to pass.

Passed Majority by 2/3<sup>rd</sup>s vote as Declared by Town Moderator.

## Article 30

### **Planning Board – Amend Zoning By-Law, 1991 Revision, Sec. 3.343 – General Provisions**

Motioned that the Town amend the East Longmeadow Zoning By-Law, 1991, pursuant to M.G.L. Chapter 40A by amending Section 3.343 by deleting the existing language in its entirety and replacing with the following:

#### **3.343 LIMITATION ON SIZE OF BUILDINGS IN INDUSTRIAL DISTRICTS**

(1) The floor area of any building used for retail sales purposes within an Industrial District shall not exceed sixty-five thousand (65,000) square feet.

- (a) The floor area is to be calculated using all areas accessible to the general public (i.e. mezzanines and basements), the first floor and all stories above the first floor, and the

area of all portions of the site outside the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.

- (b) All floor areas within one thousand five hundred (1,500) feet of one another shall be aggregated in determining the maximum of sixty-five thousand (65,000) square feet only if:
- The buildings are being used for the sale of goods, wares merchandise or services for retail or storing inventory for sale, and
  - The floor areas combined are normally operated as a single retail building or retail outlet for sales purposes, and
  - The floor space is operated or controlled by a common owner.

For purposes of this section, “common owner” shall mean any legal entity where an owner, member of the Board of Directors, partner, officer, member of a limited liability company, or other legal entity has ownership or management rights in each retail business.

A 2/3<sup>rd</sup>s Vote is required for this Article to pass.

Passed Majority by 2/3<sup>rd</sup>s vote as Declared by Town Moderator.

## Article 31

### Planning Board – Amend Zoning By-Law, 1991 Revision, Table 3-1 Schedule of Use

No Motion Made

No Action Taken

## Article 32

### Citizen Petition – Amend Zoning By-Law, 1991 Revision, Table 3-1 Schedule of Use

Motioned that the Town amend the East Longmeadow Zoning By-Law, by amending Table 3-1, Schedule of Use Regulations, to allow a Massage Therapist Facility or Licensed Massage Therapy Salon to operate under Special Permit in the Commercial District as follows:

Bylaw Number	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR
	(Commercial Uses Continued)													
3.075.1	Massage Therapist Facility or Licensed Massage Therapy Salon	See Sections 7.2, 7.3 and 7.37	N	N	N	N	N	SP	SP	SP	N	N	N	N

A 2/3<sup>rd</sup>s Vote is required for this Article to pass.

Passed Unanimously as Declared by Town Moderator.

### **Article 33**

#### **Citizen's Petition – Film Appropriations Committee Meeting**

Motioned that the Town amend the General By-laws of the Town by adding a new section as follows:

##### **Film Appropriations Committee Meetings**

All open session portions of regularly scheduled meetings of the Appropriations Committee shall be filmed by East Longmeadow Community Access Television department and shall be broadcast regularly on Community Access Television. This by-law is not intended to expand the requirements of the open meeting law and the failure to film a meeting shall not affect the legality of such a meeting

Motion Fails as declared by Town Moderator

### **Article 34**

#### **Citizen's Petition – Brown Farm Community Gardens**

No Motion Made

No Action Taken

## Motion to Adjourn

The Annual Town Meeting was adjourned at 10:06 p.m., the business of the Warrant having been completed.

## •• Certificate of Quorum ••

This is to certify that more than 150 Registered Voters were present at the Annual Town Meeting held on May 20, 2013. Voter attendance was recorded as follows:

Precinct 1	47
Precinct 2	31
Precinct 3	114
Precinct 4	<u>62</u>
<b>Total</b>	<b>254</b>

True Record: Attest:

Thomas P. Florence  
Town Clerk